

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

*[NOTE: All documents filed in this matter must be identified by both
adversary and bankruptcy case numbers, case chapter and judge's initials]*

In re: Goldner Capital Management LLC, et al.,
Debtor

Case Number: 24-73789 (AST)

Chapter 11

LHW Master Tenant LLC, as debtor in possession

Adv. No.: 24-08098 (AST)

Plaintiff

v.

Glen Hendren Drive Healthcare LLC, and Vertical Health Services, LLC

Defendant, Third-party plaintiff

v.

LHW OP LLC; Goldner Capital Management LLC; Samuel Goldner and
Capital Funding, LLC

Third-party defendant

THIRD-PARTY SUMMONS

YOU ARE SUMMONED and required to file a motion or answer to the third-party complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk:

**United States Bankruptcy Court
290 Federal Plaza
Central Islip, New York 11722**

At the same time, you must also serve a copy of the motion or answer upon the defendant's attorney.

Name and Address of Defendant's Attorney:

**Thomas A. Buford, III
Bush Kornfeld LLP
601 Union Street Suite 5000
Seattle, WA 98101**

At the same time, you must also serve a copy of the motion or answer upon plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

**Joseph S Maniscalco
LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue Suite 201
Wantagh, NY 11793**

If you make a motion, your time to answer is governed by Fed.R. Bankr.P. 7012. If you are also being served with a copy of the complaint of the plaintiff, you have the option of not answering the plaintiff's complaint **unless** this is an admiralty or maritime action subject to the provisions of Fed R. Civ. P. 9(h) and 14(c), in which case you are required to file a motion or an answer to both the plaintiff's complaint and the third-party complaint, and to serve a copy of your motion or answer upon the appropriate parties.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE THIRD-PARTY COMPLAINT. Pre-Trial Hearing Scheduled for:

PAUL DICKSON, Clerk of Court

Date: January 30, 2025

By: s/ Danielle George
Deputy Clerk

B2500D (Form 2500D) (12/15)

CERTIFICATE OF SERVICE

I, _____ (name), certify that service of this summons and a copy of the third-party complaint was made _____ (date) by:

- ☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ☐ Personal Service: By leaving the process with the third-party defendant or with an officer or agent of third-party defendant at:

- ☐ Residence Service: By leaving the process with the following adult at:

- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the third-party defendant at:

- ☐ Publication: The third-party defendant was served as follows: [Describe briefly]

- ☐ State Law: The third-party defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

UNITED STATES BANKRUPTCY COURT
Eastern District of New York

NOTICE OF ELECTRONIC FILING PROCEDURE

The following applies to all adversary proceedings filed on or after January 1, 2003.

The court's Electronic Case Filing ("ECF") system is accessible via the court's Internet site at www.nyeb.uscourts.gov. In compliance with Federal Rule of Civil Procedure 11 and the court's General Order on Electronic Filing Procedures ("General Order #473"), the attorney's initials, the last four digits of the attorney's social security number and the password assigned to the attorney by the court shall constitute the attorney's signature on any document filed electronically. Security of a password issued to an attorney is the attorney's responsibility. An original signed copy of all filings shall be maintained in the attorney's file in accordance with General Order #473.

All parties with legal representation must file documents by one of the following methods:

1. INTERNET (*Preferred Method*): The requirements for filing, viewing and retrieving case documents over the Internet are: A personal computer running a standard Windows platform (Windows 98/Me/NT/2000/XP); an Internet provider using Point to Point Protocol (PPP) for dial-up service, or offering DSL or cable service; Netscape Navigator software version 4.7x or higher or Microsoft Internet Explorer version 5.5 or higher; and software to convert documents from a word processing format (e.g., Corel WordPerfect or Microsoft Word) to portable document format (PDF). (If the word processing software you use does not contain a built-in conversion utility, you will need Adobe Acrobat, version 4.01 or higher.) ECF login is available at the court's Internet site at www.nyeb.uscourts.gov. Note that a password is needed to file documents directly into the system over the Internet. Please contact the court to obtain a password. In addition, a PACER login is needed to view or print documents from the system. A PACER login can be obtained by calling the PACER Service Center at 1-800-676-6856 or by visiting their Internet site at <http://pacer.psc.uscourts.gov>.

2. DISKETTE, PDF FORMAT: If you are not equipped or have not registered to file over the Internet, you must submit your documents on a diskette, in PDF format. Adobe Acrobat software will provide you with the ability to create documents in PDF format; additionally, word processing programs such as Corel WordPerfect and Microsoft Word include a built-in conversion utility. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of the document, and the file name on the diskette.

3. DISKETTE, NON-PDF FORMAT: If you are unable either to file over the Internet or create documents in PDF format, you must submit your documents on a diskette in one of the following formats: Corel WordPerfect, Microsoft Word, DOS text(ASCII) or a scanned image of your filing. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of the document, and the file name on the diskette.

Parties without legal representation may file documents in paper form, in accordance with procedures set forth in the court's Local Rules.